

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 1:23-cv-24533-LEIBOWITZ/Goodman

JEAN-ELIE URIEL CHARLEMAGNE,

Plaintiff,

v.

THE STATE OF FLORIDA, *et al.*,

Defendants.

ORDER ADOPTING MAGISTRATE’S REPORT AND RECOMMENDATION

This matter was referred to United States Magistrate Judge Jonathan Goodman for all discovery disputes and non-dispositive pretrial motions [ECF No. 5]. Judge Goodman has since issued a report, recommending that the Court grant the County Defendants’ Motion for a more definite statement [ECF No. 28] by default and on the merits. [ECF No. 39]. Neither party has submitted objections, and the time to do so has passed. After careful review of the filings, the applicable law, and the record, the Court adopts Judge Goodman's report and recommendation [ECF No. 39] in its entirety, with the exception of the time Plaintiff Jean-Elie Uriel Charlemagne (“Plaintiff”) has to amend the complaint.

“In order to challenge the findings and recommendations of the magistrate judge, a party must file written objections which shall specifically identify the portions of the proposed findings and recommendation to which objection is made and the specific basis for objection.” *Macort v. Prem, Inc.*, 208 F. App'x 781, 783 (11th Cir. 2006) (cleaned up). The objections must also present “supporting legal authority.” L. Mag. J.R. 4(b). Once a district court receives “objections meeting the specificity requirement set out above,” it must “make a de novo determination of those portions of the report

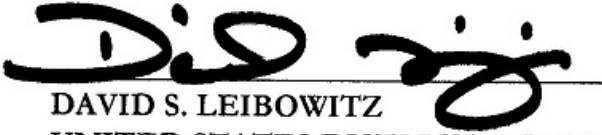
to which objection is made and may accept, reject, or modify in whole or in part, the findings or recommendations made by the magistrate judge.” *Macort*, 208 F. App'x at 783–84 (cleaned up). To the extent a party fails to object to parts of the magistrate judge's report, those portions are reviewed for clear error. *Id.* at 784 (cleaned up).

Plaintiff has not submitted any objections to Judge Goodman’s report and recommendation, and the time to do so has passed. As such, the Court has reviewed the report and recommendation for clear error only. Upon this review, the Court finds not only no clear error but also notes that Judge Goodman’s report is thorough, cogent, and compelling. Therefore, the Court **affirms and adopts** the report and recommendation [**ECF No. 39**] in its entirety, with the exception of the time Plaintiff has to amend the complaint.

ORDERED AND ADJUDGED Defendants’ Renewed Motion for More Definite Statement [**ECF No. 28**] is **GRANTED**. Plaintiff shall file an amended complaint no later than **May 30, 2024**, that cures the deficiencies as stated in Judge Goodman’s report and recommendation. If Plaintiff does not cure the deficiencies in the complaint by May 30, 2024, the Court will dismiss the case without further notice for failure to comply with Court order. Furthermore, the Clerk is directed to **TERMINATE** the following pending motions as **MOOT**:

1. **ECF No. 19** Defendant’s Motion to Dismiss Complaint for Failure to State a Claim.
2. **ECF No. 38** Expedited Motion for Sanctions against all Defendants.

DONE AND ORDERED in the Southern District of Florida on May 7, 2024.


DAVID S. LEIBOWITZ
UNITED STATES DISTRICT JUDGE

cc: counsel of record